

**STAFF REPORT**  
Meeting Date: June 9, 2004

**Agenda Item 14**

**TO:** LAFCO Commissioners  
**FROM:** Everett Millais, Executive Officer  
**SUBJECT:** Impartial Analysis - Ventura County Regional Open Space District Formation

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**RECOMMENDATION:**

Approve the impartial analysis relating to the Ventura County Regional Open Space District formation and authorize its submittal the County Clerk and Recorder.

**DISCUSSION:**

Public Resources Code Section 5517.1 requires the LAFCO Executive Officer to prepare an impartial analysis relating to the formation of open space districts and submit the analysis to the Commission for action. The law requires that the Commission "...shall approve or modify the analysis and submit it to the officials in charge of conducting the district formation election."

Other than requiring the impartial analysis to be impartial, the only qualifications in the law are that the analysis not exceed 500 words in length and that it include a specific description of the boundaries of the district proposed to be formed. Because open space districts have been proposed to be formed in several other counties, staff reviewed the impartial analyses that were prepared for similar measures. The recommended impartial analysis is based on the format of the analyses for these other measures, and is only 346 words in length. The County Counsel, in his capacity as LAFCO legal counsel, has also reviewed the recommended analysis.

Due to the time constraints specified in the law for action on this matter, it is recommended that the Commission take action on June 9. If action does not occur on June 9, the Commission will potentially have to schedule a special meeting on or before July 19 simply to consider the impartial analysis and submit it to the County Clerk and Recorder.

**COMMISSIONERS AND STAFF**

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<b>COUNTY:</b> Kathy Long Linda Parks <i>Alternate:</i> Steve Bennett	<b>CITY:</b> Evaristo Barajas, Chair Don Waunch <i>Alternate:</i> John Zaragoza	<b>SPECIAL DISTRICT:</b> Jack Curtis, Vice Chair Dick Richardson <i>Alternate:</i> Ted Grandsen	<b>PUBLIC:</b> Louis Cunningham  <i>Alternate:</i> Kenneth M. Hess
<b>EXECUTIVE OFFICER:</b> Everett Millais	<b>LAFCO ANALYST:</b> Hollie Brunsky	<b>OFFICE MANAGER/CLERK:</b> Debbie Schubert	<b>LEGAL COUNSEL:</b> Noel Klebaum

## **LOCAL AGENCY FORMATION COMMISSION**

### **IMPARTIAL ANALYSIS**

#### **VENTURA COUNTY REGIONAL OPEN SPACE DISTRICT FORMATION MEASURE**

This measure, if approved by the voters as described below, would cause the formation of the Ventura County Regional Open Space District ("District"). The District would be a governmental entity with a five-member board of directors. The District's five-member board of directors would be appointed by the Ventura County Board of Supervisors. The boundaries of the District would be the same as the boundaries of Ventura County, as prescribed in Government Code section 23156.

The reason for forming the District, as stated in the formation measure, is to further State policy expressed in section 65562 of the Government Code, which recognizes that open space land is a "limited and valuable resource, which must be conserved wherever possible," and to implement the provisions of the Ventura County General Plan. The District would have the authority to purchase real property and interests in real property from willing sellers, and to accept donations of real property and to apply for and receive grants, for the purpose of agricultural preservation and open space and parkland acquisition. The District would be prohibited from exercising the power of eminent domain to acquire property.

The District would be financed primarily by a voter-approved one-quarter cent transaction and use tax for a period not to exceed ten years. The District also would be financed by gifts, grants and donations and other sources of revenue, as permitted by law. As required by the California Constitution (Article XIII B, § 4) and by statutes, the formation measure would also establish, if approved by the voters as described below, an annual appropriations limit for the District in the amount of \$75 million. This appropriations limit is a limitation on the District's ability to expend the proceeds of taxes during any one fiscal year.

District formation, establishment of the appropriations limit and the adoption of the one-quarter cent transactions and use tax will be combined in a single ballot measure. District formation would occur only if the combined ballot measure receives at least two-thirds voter approval.